



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4265

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-3

from Ch. 38, par. 1005-9-3

Amends the Unified Code of Corrections. Provides that if an offender defaults in the payment of a fine or any installment of that fine, the court may issue a summons for his or her appearance (deletes warrant of arrest). Provides that the court may issue a warrant of arrest, if after being served with a summons, the offender fails to appear for the scheduled hearing.

LRB100 16027 RLC 31146 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or
9 any installment of that fine may be held in contempt and
10 imprisoned for nonpayment. The court may issue a summons for
11 his appearance. The court may issue a warrant of arrest, if
12 after being served with a summons issued under this subsection,
13 the offender fails to appear for the scheduled hearing ~~or a~~
14 warrant of arrest.

15 (b) Unless the offender shows that his default was not due
16 to his intentional refusal to pay, or not due to a failure on
17 his part to make a good faith effort to pay, the court may
18 order the offender imprisoned for a term not to exceed 6 months
19 if the fine was for a felony, or 30 days if the fine was for a
20 misdemeanor, a petty offense or a business offense. Payment of
21 the fine at any time will entitle the offender to be released,
22 but imprisonment under this Section shall not satisfy the
23 payment of the fine.

1 (c) If it appears that the default in the payment of a fine
2 is not intentional under paragraph (b) of this Section, the
3 court may enter an order allowing the offender additional time
4 for payment, reducing the amount of the fine or of each
5 installment, or revoking the fine or the unpaid portion.

6 (d) When a fine is imposed on a corporation or
7 unincorporated organization or association, it is the duty of
8 the person or persons authorized to make disbursement of
9 assets, and their superiors, to pay the fine from assets of the
10 corporation or unincorporated organization or association. The
11 failure of such persons to do so shall render them subject to
12 proceedings under paragraphs (a) and (b) of this Section.

13 (e) A default in the payment of a fine, fee, cost, order of
14 restitution, judgment of bond forfeiture, judgment order of
15 forfeiture, or any installment thereof may be collected by any
16 and all means authorized for the collection of money judgments.
17 The State's Attorney of the county in which the fine, fee,
18 cost, order of restitution, judgment of bond forfeiture, or
19 judgment order of forfeiture was imposed may retain attorneys
20 and private collection agents for the purpose of collecting any
21 default in payment of any fine, fee, cost, order of
22 restitution, judgment of bond forfeiture, judgment order of
23 forfeiture, or installment thereof. An additional fee of 30% of
24 the delinquent amount and each taxable court cost including,
25 without limitation, costs of service of process, shall be
26 charged to the offender for any amount of the fine, fee, cost,

1 restitution, or judgment of bond forfeiture or installment of
2 the fine, fee, cost, restitution, or judgment of bond
3 forfeiture that remains unpaid after the time fixed for payment
4 of the fine, fee, cost, restitution, or judgment of bond
5 forfeiture by the court. The additional fee shall be payable to
6 the State's Attorney in order to compensate the State's
7 Attorney for costs incurred in collecting the delinquent
8 amount. The State's Attorney may enter into agreements
9 assigning any portion of the fee to the retained attorneys or
10 the private collection agent retained by the State's Attorney.
11 Any agreement between the State's Attorney and the retained
12 attorneys or collection agents shall require the approval of
13 the Circuit Clerk of that county. A default in payment of a
14 fine, fee, cost, restitution, or judgment of bond forfeiture
15 shall draw interest at the rate of 9% per annum.

16 (Source: P.A. 98-373, eff. 1-1-14.)